To Quin Shea from Harold Weisberg re JFK assassination records 9/19/78

Testimony before the House assassins committee today held reference to FBI records copies of which I do not recall receiving. National Public Radio's commentary, apparently based on what the committee said, refers to records the withholding of which I appealed months ago. This bears of what I regard as deliberate FBI news management by misuse of FOIA. It also will be damaging to me and to my work.

Tom Kelley, who retired from the Secret Service as Assistant Director, was an inspector at the time of the assassination. He testified to meetings with "my counterpart, Jim Malley," in Dallas and particularly during the earlier days of the investigation. Malley was the FBI's inspector then.

I believe that I have already appealed the withholding the Malley records from the records I've been provided. This testimony indicates still other such records that remain withheld.

James J. Rowley, who also testified today, retired as Director of the Secret Service, a post he held at the time of the assassination. He testified that the FBI asked him to get his Dallas SAC, Forrest Sorrels, to use his good offices with the Dallas police, with which he had a good rapport, to persuade it to release the Oswald rifle to the FBI for the FBI's lab work. There is no reflection of either this or of the reluctance or refusal of the Dallas police to let the FBI have this rifle in any records I recall.

You will perhaps recall that I have on several occasions appealed withholdings relating to an interception of an Oswald phone call in Mexico City. Everything about that phone call except the exact words and records relating to the exact words has been leaked into the public domain. I raised questions about this relating to the worksheets, a November 23,1963 FBI teletype regarding it and a transcript of it. I believe that I provided you with a number of relevant proofs, including the 1977 FBI(B) effort to memory hole the teletype and a record indicating that Dallas sent a copy at Washington's request, meaning that copies should have been provided to me by both whereas I received a copy from neither. I believe I informed you that then SA now Congressman Eldon Rudd carried the taped conversation, etc., to Dallas from Mexico City, where he was a legat. I believe I also gave you the identification of the plane he used and other information pinpointing the time of arrival and the fact that FBI agents familiar with Oswald reviewed the tape and other records and made a negative identification. Or, I have provided a fairly detailed amount of information establishing the existence, location and description of these withheld records.

The initial and the continued FBI withholding constitutes a classic case of its practise of controlling the present and future by controlling the past.

I believe that these records are included in one of my requests with which the FBI has not complied despite its promises in C.A.77-2155, to which I have also referred in the past. I believe also that this request is older than any of the FBI's claimed backlog. But I do not recall receiving even an acknowledgement from it of the information I have provided in order to enable it to comply with the request and Act. On this basis alone I assume continued non-compliance is no less deliberate than all earlier and continuing non-compliances.

Today's information relating to the assassins committee provided notice and explanation. The FBI is much happier having a version more likely to be congenial to it be the first version available to the press and thus to the people. From the past it has every reason to expect the kind of use it would prefer from the House assassins and reporters who will have only the information that committee provides.

If this is what is about to happen I am without doubt that it will also be damaging to me and to my work, another not exceptional FBI practise.